

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

IN RE: Marie V. Savage

Chapter 13

Case No.: 16-72402

**THIRD AMENDED
CHAPTER 13 PLAN**

Debtor(s)

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) shall pay to the trustee for a total of 60 months, the sum of:
\$ 760.75 commencing June 2016 through and including October 2016 for a period of 5 months; then \$974.10 commencing November 2016 through and including January 2019 for a period of 27 months; then \$1536.10 commencing February 2019 through and including May 2021 for a period of 28 months;

2. From the payments so received, the trustee shall make disbursements as follows:

(a) Full payment in deferred cash payments of all claims entitled to priority under 11 U.S.C. §507. Debtors' attorney Law office of John Gonzalez P.C. to receive \$3,500.00 in the plan.

(b) Holders of allowed secured claims shall retain the liens securing such claims and shall be paid as follows:

(1) Ditech Financial Llc (First Mortgage) (4899) secured by debtor's residence located at 49 Loring Street, Patchogue, NY 11772 to be paid outside the plan and to remain current. Pre-petition arrearage in the sum of \$ 43,066.59 plus 0 % interest to be paid in the plan.

(2) Credit Acceptance (7892) secured by debtor's 2005 Chrysler Town and Country automobile to be paid outside the plan and to remain current. Arrearage of \$10.67 to be paid in the plan.

3. JUNIOR MORTGAGE LIENS TO BE AVOIDED

1. Pursuant to 11 U.S.C. §502, 506(a), 506(d), 1322(b)(2), 1325 (a) and 1328(f) the debtor intends to avoid a mortgage lien on the debtor's primary residence located at 49 Loring Street, Patchogue, NY 11772 ("Property") held by Ditech Financial Llc [0771] [Claim No. 3 filed on June 29, 2016 in the amount of \$7,303.00]. The debtor(s) are eligible to receive a discharge in this case, and the debtor(s) filed a motion pursuant to Bankruptcy Rule 3012 to value the junior mortgage lien held by DiTech Financial LLC, which was heard and determined by order dated August 10, 2016 ("Rule 3012 Order"). In the Rule 3012 Order the Court found that the junior mortgage held by DiTech Financial LLC is not secured by the Property because the amount of the senior mortgage(s) exceed the value of the Property, and the secured claim on the Property held by DiTech Financial LLC shall be treated as a general unsecured creditor and paid in accordance with the terms of paragraph (c) below.

Upon entry of the Chapter 13 discharge, debtor(s) or debtor's counsel shall be entitled to present the Rule 3012 Order, in recordable form, to the County Clerk's office in order to cancel and discharge the aforementioned mortgage lien.

(c) Subsequent to distribution to secured creditors, dividends to **unsecured creditors** whose claims are duly allowed as follows: **20% minimum percentage to be paid to unsecured creditors.**

4. All lease agreements are hereby assumed, unless specifically rejected as follows:

Other Party

Description of Contract or Lease

-NONE-

5. During the pendency of this case, if unsecured creditors are paid, pursuant to paragraph 2(c), less than one hundred percent (100%), the debtor(s) shall provide the Trustee with signed copies of filed federal and state tax returns for each year no later than April 15th of the year following the tax period. Indicated tax refunds are to be paid to the Trustee upon receipt; however, no later than June 15th of the year in which the tax returns are filed.

Title to the debtor(s) property shall revert in the debtor(s) upon completion of the plan, unless otherwise provided in the Order confirming this plan. Throughout the term of this plan, the debtor(s) will not incur post-petition debt over \$2,000.00 without written consent of the Chapter 13 trustee or the Court.

/s/ Marie V. Savage

Marie V. Savage

Debtor

Dated: August 10, 2016

/s/ John Gonzalez

John Gonzalez JG9420

Attorney for Debtor